

State of Kansas
Board of Technical Professions

Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted on Friday, November 22, 2013 at 10:00 a.m. in Room 510 of the Landon State Office Building, 900 SW Jackson, Topeka, Kansas to consider the adoption of proposed changes to existing rules and regulations of the Board of Technical Professions.

This 60-day notice of public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Board of Technical Professions, Suite 507, Landon State Office Building, 900 SW Jackson, Topeka, Kansas 66612, or by email to jeanb@ksbtp.ks.gov. All interested parties will be given a reasonable opportunity to present their views on the adoption of the proposed regulations orally during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Jean Boline at 785-296-3053 or by email at jeanb@ksbtp.ks.gov.

K.A.R. 66-6-1. Seals and signatures. This regulation is being revised to clarify the licensee's name on the seal. Language is added to clarify when a professional seal is required.

K.A.R. 66-8-3. Engineering examinations. Language has been added to this regulation to specify that an applicant must meet certain educational requirements.

K.A.R. 66-8-6. Reexamination. This regulation is being revised to change language to indicate "possible" violations of any testing agreement.

K.A.R. 66-9-7. Educational standard acceptable to the board for reciprocity applicants. This regulation is being revised to adopt by reference the most current edition of the architectural certification guidelines.

K.A.R. 66-10-1. Architectural experience of a character satisfactory to the board. This regulation is being revised to adopt by reference the most current edition of the intern development program guidelines.

K.A.R. 66-10-3. Architectural experience required of a reciprocity applicant. This regulation is being revised to adopt by reference the most current edition of the architectural certification guidelines.

K.A.R. 66-10-9. Engineering experience of a character that is satisfactory to the board.

This regulation is being revised to add the requirement that acceptable experience must include at least two years of engineering experience gained in the United States. Clarification is being made concerning concurrent experience credits.

K.A.R. 66-10-13. Geology experience of a character that is satisfactory to the board. This regulation is being revised to clarify who may provide references.

K.A.R. 66-10-14. Professional engineering, land surveying, and geology experience standards acceptable to the board for reciprocity applicants. This regulation is revised to require that those individuals supplying references for an engineering applicant must be licensed in the United States. Revisions also clarify who may provide references for geology applicants.

K.A.R. 66-11-1. Intern engineer certificate. This regulation is revised to add the requirement of an application form and approval by the board.

K.A.R. 66-11-2. This regulation is being revoked due to changes in the fundamentals of engineering exam process.

K.A.R. 66-14-1. Requirements. This regulation is revised to add the requirement that a provider of a continuing education activity on the Kansas minimum standards must be preapproved by the board and the conditions for approval.

Copies of the full text of the regulations and the economic impact statement may be obtained by contacting the board at the address and phone number given above, from the Board's website at www.kansas.gov/ksbtp, or by email request to jeanb@ksbtp.ks.gov.

Jean Boline
Executive Director

BOARD OF TECHNICAL PROFESSIONS
ECONOMIC IMPACT STATEMENT

The economic impact for revisions of K.A.R. 66-6-1, 66-8-3, 66-8-6, 66-9-7, 66-10-1, 66-10-3, 66-10-9, 66-10-13, 66-10-14, 66-11-1, 66-11-2 (revoked), and 66-14-1 is as follows:

1. There is no anticipated economic impact on the Board of Technical Professions, any other governmental agency, or the public.
2. These regulations are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program.

66-6-1. Seals and signatures. (a) Each licensee shall obtain a seal of the design approved by the board in compliance with K.S.A. 74-7023, and amendments thereto. The seal may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name if the surname listed with the board appears on the seal and in the signature. The seal may be a rubber stamp, an embossed seal, or a computer-generated seal.

(b) Each ~~original drawing, document, technical report, legal description, record, and paper~~ prepared by or under the direct supervision of the licensee in the licensee's professional capacity shall be stamped with the licensee's seal, unless the project is exempt from the requirements for licensure pursuant to K.S.A. 74-7031, K.S.A. 74-7032, K.S.A. 74-7033, K.S.A. 74-7034, or K.S.A. 74-7042, and amendments thereto.

After the licensee's seal has been applied ~~to the original or record copy~~, the licensee shall place the licensee's handwritten or digital signature and date across the seal. The licensee shall sign and seal only work within the licensee's area of licensure. Two or more licensees may affix their seals and signatures if each licensee designates the specific subject matter for which that licensee is responsible, in a note under that licensee's seal.

(c)(1) Any licensee may use a digital signature if the signature meets all of the following requirements:

- (A) Is unique to the ~~person~~ licensee using it;
- (B) is able to be verified;
- (C) is under the sole control of the ~~person~~ licensee using it; and
- (D) is linked to an electronic document bearing the digital signature in such a manner that the signature is invalidated if any data in the document is altered.

(2) Each displayed copy of, and each hard copy printed from, a transmitted or stored

electronic document containing a digital signature shall bear the facsimile of the signature, date of signing, and seal and shall be a confirmation that the electronic document was not altered after the initial digital signing of the document. If the electronic document is altered, the facsimile of the signature, date, and seal shall be caused to be voided.

(d)(1) The documents required to be sealed shall include the following:

(A) Any documents submitted to a public agency or private client for approval, including preliminary plats, site plans, and development plans;

(B) each drawing sheet of a set of drawings;

(C) the cover sheet or index page of a set of specifications;

(D) the first or last page of each technical report; and

(E) legal descriptions.

(2) Each revision to a sealed document shall be identified and sealed by the licensee responsible for the revision and shall include the revision date.

(e) Concept drawings, draft technical reports, and draft specifications marked “for review only” or “concept only” shall not be required to be sealed until submitted for approval.

(f) After a licensee has applied the seal, handwritten or digital signature, and date to a document, that document may be reproduced as necessary for the project in accordance with applicable law.

(g)(1) Any successor licensee may assume direct supervision by performing all professional services, including developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work, under any of the following conditions:

(A) A licensee providing direct supervision of the work is unavailable to complete the work.

(B) The work is a site adaptation of a standard design plan.

(C) The work is a design plan signed and sealed by an out-of-jurisdiction licensee.

The non-professional services, including drafting, shall not be required to be redone by the successor licensee but shall clearly and accurately reflect the successor licensee's work.

(2) The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents. A successor licensee shall not remove the original licensee's seal, signature, and date.

(3) The successor licensee shall be responsible for demonstrating compliance with this subsection.

(h) Each design submitted in response to a project's performance specifications or drawings for a specific system or components that are not commonly manufactured items standard for order shall be prepared by or under the direct supervision of a Kansas licensee with the shop drawing submittals sealed, signed, and dated by the Kansas licensee according to this regulation. (Authorized by K.S.A. 2012 Supp. 74-7013; implementing K.S.A. 2012 Supp. 74-7023; effective May 1, 1978; amended May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995; amended March 1, 1996; amended Feb. 6, 1998; amended Nov. 2, 2001; amended March 28, 2008; amended P-_____.)

66-8-3. Engineering examinations. (a) The examination required of each applicant for engineering licensure shall be the national council of examiners for engineering and surveying

(NCEES) examination consisting of an engineering fundamentals section and a professional practice section.

(b) The examination shall be graded by the NCEES, subject to approval by the board.

(c) Each applicant for a professional license shall be required to pass the section on engineering fundamentals, meet the educational requirements under K.A.R. 66-9-4, and meet the professional engineering experience requirements under K.S.A. 74-7021 and amendments thereto before submitting an application to take the section on professional practice. (Authorized by K.S.A. 2012 Supp. 74-7013, ~~as amended by L. 2009, Ch. 94, §3~~; implementing K.S.A. 74-7017, K.S.A. 2012 Supp. 74-7021, ~~as amended by L. 2009, Ch. 94, §5~~ and K.S.A. 2012 Supp. 74-7023, ~~as amended by L. 2009, Ch. 94, §7~~; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Nov. 6, 2009; amended P-_____.)

66-8-6. Reexamination. (a) Any applicant for a license to practice engineering, land surveying, or geology who fails an examination on the first attempt may take the examination two additional times, except as specified in subsections (b) and (c).

(b) Except as specified in subsection (c), the fourth and any subsequent attempts by an applicant to retake an examination may be allowed by the board if the applicant establishes that the areas of deficiency identified in the examination failure report provided by the testing administrator have been addressed through either of the following:

(1) Additional coursework; or

(2) experience under the supervision of a person licensed in the technical profession for which the applicant is ~~applying for~~ seeking licensure.

(c) Any applicant's examination results may be rejected by the board and permission to retake an examination may be withheld by the board upon a report by the testing administrator ~~that the applicant has violated~~ of any possible violation by the applicant of the provisions of the any candidate testing agreement regarding examination irregularities.

(d) Each applicant shall ~~be required to~~ submit the appropriate fee for each examination. (Authorized by K.S.A. ~~2009~~ 2012 Supp. 74-7013; implementing K.S.A. ~~2009~~ 2012 Supp. 74-7009 and 74-7023; effective May 1, 1984; amended May 4, 1992; amended June 18, 2010; amended P-_____.)

66-9-7. Educational standard acceptable to the board for reciprocity applicants. For purposes of K.S.A. 74-7024 and amendments thereto, the following shall apply:

(a) Each applicant for a license to practice engineering, surveying, landscape architecture, or geology by reciprocity shall be deemed to have met the educational standard acceptable to the board if the applicant's educational qualifications when the original license was issued would have met the Kansas requirements in effect on that date.

(b) Each applicant for a license to practice architecture by reciprocity shall provide proof of certification by the national council of architectural registration boards (NCARB). The requirements for this certification shall be those specified in ~~chapters one, two, and three of the "handbook for interns and architects,"~~ sections one through six on pages 11-16 of the "certification guidelines," published by the national council of architectural registration boards and revised July ~~2011~~ 2012. These ~~three chapters~~ six sections are hereby adopted by reference. (Authorized by K.S.A. ~~2010~~ 2012 Supp. 74-7013; implementing K.S.A. 74-7024; effective Feb. 4, 2005; amended Jan. 6, 2012; amended P-_____.)

66-10-1. Architectural experience of a character satisfactory to the board. Each applicant shall complete the intern development program (IDP) as specified on pages 9-20 in the “intern development program guidelines,” ~~including the appendices and excluding the section titled “the next steps,”~~ dated ~~July 2011,~~ November 2012 and published by the national council of architectural registration boards (NCARB), ~~and. These pages are~~ hereby adopted by reference. Each applicant shall provide a completed record of architectural experience prepared by the NCARB. (Authorized by K.S.A. ~~2010~~ 2012 Supp. 74-7013 and K.S.A. 74-7019; implementing K.S.A. 74-7019; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995; amended March 1, 1996; amended Feb. 6, 1998; amended Feb. 9, 2001; amended Nov. 1, 2002; amended Feb. 3, 2006; amended March 28, 2008; amended Nov. 6, 2009; amended June 18, 2010; amended Jan. 6, 2012; amended P-_____.)

66-10-3. Architectural experience required of a reciprocity applicant. Each applicant for a license to practice architecture by reciprocity shall provide proof of certification by the national council of architectural registration boards (NCARB), for approval by the board. The requirements for this certification shall be those specified in the portions of the ~~“handbook for interns and architects”~~ “certification guidelines” adopted by reference in K.A.R. 66-9-7. (Authorized by K.S.A. ~~2010~~ 2012 Supp. 74-7013; implementing K.S.A. 74-7019; effective May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995; amended Jan. 6, 2012; amended P-_____.)

66-10-9. Engineering experience of a character that is satisfactory to the board. (a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the discipline of engineering in which the applicant claims qualification to practice and shall be verified as specified in paragraph (b)(2).

(b) Engineering work experience shall meet the following requirements:

(1) Fall within the definition of “the practice of engineering” pursuant to K.S.A. 74-7003, and amendments thereto; ~~and~~

(2) be directly supervised and verified by a licensed professional engineer, ~~except that.~~ However, direct supervision ~~of~~ by a licensed professional engineer shall not be required of the employees of any person, firm, or corporation not offering services in the technical professions to the public, although verification by the applicant’s supervisor shall still be required; and

(3) include at least two years of work experience, which shall have been gained in the United States.

(c) The following requirements and provisions shall be used to assign credit for work experience-;

(1) The applicant shall demonstrate four years of acceptable work experience.

(2) One year of credit toward the experience requirement may be given for a master’s or doctoral degree in engineering, unless that degree is used to satisfy the educational requirement described in K.A.R. 66-9-4(b). Credit for concurrent experience shall not be granted if the applicant is working full-time while earning a master’s degree and that master’s degree is received less than four calendar years from the date of the baccalaureate degree.

(3) Teaching engineering at a college or university that offers an ~~approved~~ engineering curriculum accredited by the engineering accreditation commission of the accreditation board for

engineering and technology (EAC/ABET) of four years or more may be considered engineering experience.

(4) Work experience credit shall not be allowed for work performed before graduation with the baccalaureate degree.

(d) Each applicant shall supply at least three references from ~~licensed~~ professional engineers who are licensed in the United States and are familiar with the applicant's engineering experience. (Authorized by K.S.A. 2012 Supp. 74-7013, ~~as amended by L. 2009, Ch. 94, §3, and 74-7021, as amended by L. 2009, Ch. 94, §5~~; implementing K.S.A. 2012 Supp. 74-7021, ~~as amended by L. 2009, Ch. 94, §5~~; effective May 1, 1984; amended April 9, 1990; amended May 4, 1992; amended Feb. 14, 1994; amended Feb. 13, 1995; amended Nov. 1, 2002; amended Feb. 3, 2006; amended Jan. 5, 2007; amended Nov. 6, 2009; amended P-_____.)

66-10-13. Geology experience of a character that is satisfactory to the board. (a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the discipline of geology in which the applicant claims qualification to practice and shall be verified as ~~set forth~~ specified in paragraph (b)(2) ~~of this regulation~~.

(b) Geology experience shall meet ~~these criteria~~ the following requirements:

(1) Fall within the definition of "the practice of geology" in K.S.A. 74-7003, and amendments thereto; and

(2) be directly supervised and verified by a licensed geologist for work performed after July 1, 2000. However, direct supervision ~~of~~ by a licensed geologist shall not be required of the employees of any person, firm, or corporation that does not offer services in the technical

professions to the public, although verification by the applicant's supervisor shall still be required.

(c) The following shall be used to assess credit for work experience:

(1) Experience credit shall not be allowed for work performed before graduation.

(2) One year of credit toward the experience requirement may be given for a master's degree in geology or in a closely related specialty area acceptable to the board.

(3) Teaching geology in a college or university that offers ~~an approved~~ a geology curriculum of four years or more approved by the board may be considered geology experience.

(d) Each applicant shall supply at least three references from licensed geologists or licensed professional engineers who are familiar with the applicant's geology experience. At least two of these references shall be licensed geologists. One of the three references may be a licensed professional engineer. (Authorized by K.S.A. ~~2004~~ 2012 Supp. 74-7013; implementing K.S.A. ~~2004~~ 2012 Supp. 74-7041; effective Feb. 4, 2000; amended Feb. 9, 2001; amended Nov. 2, 2001; amended Nov. 1, 2002; amended P-_____.)

66-10-14. Professional engineering, land surveying, and geology experience standards

acceptable to the board for reciprocity applicants. (a) Each applicant for an engineering

license by reciprocity shall meet the following requirements:

(1) Provide verification from the employer of at least four years of experience in the practice of engineering ~~experience~~, as defined in K.S.A. 74-7003 and amendments thereto. One year of credit toward the experience requirement may be given for a master's or doctoral degree in engineering; and

(2) supply at least three references from ~~licensed~~ professional engineers who are licensed in the United States and are familiar with the applicant's engineering experience.

(b) Each applicant for a land surveying license by reciprocity shall meet the following requirements:

(1) Provide verification from the employer of at least eight years of land surveying experience or education, or a combination of these, pursuant to K.S.A. 74-7022 and amendments thereto, K.A.R. 66-10-10, K.A.R. 66-10-10a, K.A.R. 66-10-10b, and K.A.R. 66-10-11; and

(2) supply at least three references from licensed land surveyors or licensed professional engineers who are familiar with the applicant's land surveying experience. At least one reference shall be from a licensed land surveyor.

(c) Each applicant for a geology license by reciprocity shall meet the following requirements:

(1) Provide verification from the employer of at least four years of experience in the practice of geology ~~experience~~, as defined in K.S.A. 74-7003 and amendments thereto. One year of credit toward the experience requirement may be given for a master's degree in geology or in a closely related specialty area acceptable to the board; and

(2) supply at least three references from ~~individuals~~ licensed geologists or licensed professional engineers who are familiar with the applicant's geology experience. At least two of these references shall be from licensed geologists. One of the three references may be from a licensed professional engineer. (Authorized by K.S.A. 2012 Supp. 74-7013, ~~as amended by L. 2009, Ch. 94, §3, K.S.A. 74-7021, as amended by L. 2009, Ch. 94, §5, K.S.A. 74-7022, as amended by L. 2009, Ch. 94, §6, and K.S.A. 74-7041, as amended by L. 2009, Ch. 94, §14; implementing K.S.A. 2012 Supp. 74-7018, as amended by L. 2009, Ch. 94, §4, K.S.A. 2012~~

~~Supp. 74-7021, as amended by L. 2009, Ch. 94, §5, K.S.A. 2012 Supp. 74-7022, as amended by L. 2009, Ch. 94, §6, K.S.A. 74-7024, and K.S.A. 2012 Supp. 74-7041, as amended by L. 2009, Ch. 94, §14; effective Feb. 4, 2005; amended Feb. 3, 2006; amended Nov. 6, 2009; amended P-_____.)~~

66-11-1. Intern engineer certificate. An intern engineer certificate shall be issued to each individual who meets ~~both~~ of the following requirements:

(a) Passes the examination in the fundamentals of engineering as administered by the national council of examiners for engineering and surveying (NCEES); ~~and~~

(b) submits proof of completion of a baccalaureate engineering curriculum or equivalent as described in K.A.R. 66-9-4; and

(c) submits an application, on a form provided by the board, that is approved by the board. (Authorized by K.S.A. 2012 Supp. 74-7013, ~~as amended by L. 2009, Ch. 94, §3; implementing K.S.A. 2012 Supp. 74-7021, as amended by L. 2009, Ch. 94, §5; effective May 1, 1984; amended May 4, 1992; amended Feb. 14, 1994; amended Nov. 6, 2009; amended P-_____.)~~

66-11-2. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021 and 74-7023; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Jan. 5, 2007; revoked P-_____.)

66-14-1. Requirements. (a) Each licensee shall have completed 30 professional development hours (PDHs) of acceptable continuing education requirements during the two-year period

immediately preceding the biennial renewal date established in K.A.R. 66-6-6 as a condition for license renewal. If the licensee exceeds the requirement in any renewal period, the licensee may carry a maximum of 30 PDHs forward into the subsequent renewal period.

~~(b)(1) Commencing with the renewal of licenses that expire on March 31, 2010,~~ Each land surveyor shall ~~have completed~~ complete, as part of the 30 PDHs required, at least two PDHs of preapproved continuing education activity on the Kansas minimum standards adopted by reference in K.A.R. 66-12-1~~(e)~~ (b).

(2) Each provider of a continuing education activity specified in paragraph (b)(1) shall submit an application for preapproval of the continuing education activity on a form provided by the board.

(3) To qualify for preapproval, each continuing education activity shall meet the following conditions:

(A) The activity has a definable purpose and objective.

(B) The activity is created and conducted by a person qualified in the subject area.

(C) The activity equals two contact hours.

(D) Documentation is provided to the participant upon completion of the activity.

(Authorized by ~~and~~ K.S.A. 2012 Supp. 74-7013; implementing K.S.A. 2012 Supp. 74-7013 and 74-7025; effective March 1, 1996; amended Feb. 4, 2000; amended Jan. 23, 2009; amended P-_____.)